

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JON ROYAL FLEMING,

Petitioner,

v.

KEN QUINN,

Respondent.

Case No. C05-5719RJB

ORDER DENYING
PETITIONER'S MOTIONS FOR
RECONSIDERATION OF THE
ORDER DENYING EXPANSION OF
THE RECORD

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254.

Petitioner has filed a motion for reconsideration of the order denying his motion to "expand the record." (Dkt. # 40). Petitioner believes this case cannot be decided without review of each prison disciplinary hearing held between 1996 and 2001. Plaintiff is in error. The relevant issue this court must consider is whether the state court decisions were contrary to clearly established federal law, as determined by the Supreme Court; or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented to the state courts. This is

1 the habeas standard set forth under 28 U.S.C. §2254(d). Thus, there is no reason to expand the
2 record. Petitioner's motion for reconsideration is **DENIED**. As the court noted in its order denying
3 expansion of the record, "petitioner has not shown that he was unable to place the evidence before
4 the state court." (Dkt. # 37).

5 The clerk is directed to send copies of this order to petitioner and counsel for respondent.

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7 DATED this 22nd day of June, 2006.

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9 /s/ J. Kelley Arnold
10 J. Kelley Arnold
11 United States Magistrate Judge
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